

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CASE NO. CR 19-0054 RS  
)  
Plaintiff, ) ~~[PROPOSED]~~ ORDER OF DETENTION  
)  
v. )  
)  
EMANUEL RIVERA, )  
)  
Defendant. )  
)

On January 31, 2019, the defendant, Emanuel Rivera, was charged in an Indictment with conspiracy to distribute and possess with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§846, 841(a)(1) and (b)(1)(C) (Count One); distribution and possession with the intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (Count Three); and conspiracy to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B)(ii)(II) (Count Five). The defendant made his initial appearance before this Court on Wednesday, February 13, 2019, and returned for identification of counsel on Thursday, February 14, 2019. On February 20, 2019, the defendant came before the Court for a detention hearing. The defendant was present and represented by Joann Kingston, Kingston Law Offices. Assistant United States Attorney Shailika Kotiya appeared for the government.

1       Pretrial Services submitted a report that recommended detention, and a representative of Pretrial  
2 Services was present at the hearing. The Government moved for detention, and the defendant, through  
3 counsel, waived any opposition without prejudice.

4       Upon consideration of the facts and for the reasons stated on the record, the Court finds that  
5 based on the nature of the offense, including the rebuttable presumption set forth in 18 U.S.C.  
6 § 3142(e)(3)(E), and the serious risk of flight, that no condition or combination of conditions will  
7 reasonably assure the safety of the community or the appearance of the defendant. Accordingly, the  
8 defendant is ordered detained pending trial. These findings are made without prejudice to the  
9 defendant's right to seek review of his detention.

10      Accordingly, and under 18 U.S.C. § 3142(i), the court orders the following:

11      (1) The defendant is committed to the custody of the Attorney General for confinement in a  
12 corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or  
13 being held in custody pending appeal;

14      (2) The defendant must be afforded reasonable opportunity for private consultation with his  
15 counsel; and

16      (3) On order of a court of the United States or on request of an attorney for the government, the  
17 person in charge of the corrections facility in which the defendant is confined shall deliver the defendant  
18 to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a  
19 court proceeding.

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21      IT SO ORDERED.

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23      DATED: February 22, 2019

  
24      HON. LAUREL BEELER  
25      United States Magistrate Judge  
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